

MEETING #7 February

At a Continued Meeting of the Madison County Board of Supervisors on
February 22, 2007 at 1:45 p.m. in the Madison County Administrative Center
Auditorium:

PRESENT: Eddie Dean, Chairman
James L. Arrington, Vice-Chairman
Bob Miller, Member
Clark Powers, Member
V. R. Shackelford, III, County Attorney
Lisa R. Kelley, County Administrator

ABSENT: William L. Crigler, Member

Chairman, Eddie Dean called the meeting to order and stated William L. Crigler will be absent from today's meeting due to the passing of a family friend.

Chairman, Eddie Dean today's meeting is continued from the Regular Meeting that was held on Tuesday, February 14, 2007 due to inclement weather; today's discussion will consist of topics that were postponed from the Regular Meeting – the Board Workshop session will follow upon completion of this session.

Chairman, Eddie Dean stated a Resolution has been presented by Brian Duncan from the Rappahannock-Rapidan Community Services Board.

Brian Duncan, Executive Director, was present and stated the aforementioned Borrowing Resolution has been reviewed by Lisa Kelley, County Administrator, and V. R. Shackelford, III, County Attorney - recommended revisions have been incorporated into the document as requested. He advised the Rappahannock-Rapidan Community Services Board has been primarily funded by grants in the past (i.e. state, federal) which make up about ninety percent (90%) of the budget; however, today, only about twenty-five percent (25%) of the current budget is composed of grant funding with the remaining percentage being accommodated by fees/revenue paid to the entity after services have been provided to clients. He further explained the contents of the Resolution and stated the benefits are "two-fold" and is crafted in a manner that will eliminate the need for the Rappahannock-Rapidan Community Services Board to approach "Charter Counties" (i.e. Culpeper, Fauquier, Madison, Orange, Rappahannock) for financial assistance; additionally, the Resolution releases the existing Counties from

any further financial obligation – the Resolution has already been approved by Fauquier County.

Bob Miller wanted to clarify the Rappahannock-Rapidan Community Services Board would assume the liability of any borrowing that was undertaken.

Brian Duncan stated this was correct and added the County would not be responsible in any manner; he also stated specific language was added into the Resolution as requested by V. R. Shackelford, III, County Attorney, to indicate there will be no liability imposed on any of the “Charter Counties.”

Lisa Kelley, County Administrator, stated that Brian Duncan adequately summarized the contents of the Resolution prior to it being reviewed by V. R. Shackelford, III, County Attorney; revisions were included with regard to liability; however, the need to approve the document is imperative as Madison County is a member of the Rappahannock-Rapidan Community Services Board.

After discussion, on motion of Bob Miller, seconded by William L. Crigler, the Board approved the Borrowing Resolution as presented on behalf of the Rappahannock-Rapidan Community Services Board, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Absent
Bob Miller	Aye
Clark Powers	Aye

**RESOLUTION AUTHORIZING BORROWING
BY RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES
BOARD AND AREA AGENCY ON AGING NOT TO EXCEED \$1,000,000**

WHEREAS, the Rappahannock-Rapidan Community Services Board and Area Agency on Aging (herein called ACommunity Services Board@) has been duly organized under the laws of the Commonwealth of Virginia and duly chartered by the Counties of Culpeper, Fauquier, Madison, Orange and Rappahannock (herein called “Charter Counties”); and

WHEREAS, the Community Services Board has an annual budget of approximately \$16,000,000 and employs approximately 375 persons; and

WHEREAS, in providing services to its Charter Counties, the need arises for operating and capital funds by the Community Services Board; and

WHEREAS, Section 37.2-504(A)(11) provides that the Community Services Board shall “[a]pply for and accept loans as authorized by the governing body of the each city or county that established it.”; and

WHEREAS, it is often inconvenient if not logistically impossible to obtain such authorization from each and every Charter County when immediate borrowing needs arise for the Community Services Board; and

WHEREAS, it is necessary and prudent to adopt a borrowing resolution to ensure that the operational expenses and capital needs of the Community Services Board are met in a timely fashion;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the Charter Counties of the Rappahannock-Rapidan Community Services Board and Area Agency on Aging that said agency be hereby authorized to borrow and incur debt obligations from time to time with lending institutions or lenders on such terms and conditions as the Board of Directors of said agency shall from time to time determine; provided, however, that at no time shall all such borrowings and incurred debt under this resolution exceed collectively the principal sum of \$1,000,000.00.

BE IT FURTHER RESOLVED, that this is an authorizing resolution only in accordance with the provisions of Section 37.2-504(A)(11) and shall not be construed to impose any liability or obligation upon any one or more of the Charter Counties adopting this resolution. A copy of this resolution shall be delivered to each lender and each lender shall acknowledge that the Charter Counties shall have no liability or obligation in relation to any debt obligations extended to the Community Services Board under this resolution.

BE IT FURTHER RESOLVED, that the Community Services Board may secure any debt obligation under this resolution by giving security in the form of real estate, personal property, intangibles and/or any other property, whether real, personal or mixed owned by the Community Services Board or in which the Community Services Board may have an interest, such security to be given only upon the authorization of the Board of Directors of the Community Services Board.

BE IT FURTHER RESOLVED, that this resolution shall become effective upon adoption by all of the Charter Counties, namely, Culpeper County, Fauquier County, Madison County, Orange County and Rappahannock County and shall remain in full force and effect until any Charter County shall by further duly adopted resolution withdraw its authorization to this borrowing resolution, but such withdrawal of authorization shall be prospective only and shall not disturb or effect any obligations incurred in accordance with the resolution prior to the date of adoption of such resolution

This resolution may be executed in counterparts by the Charter Counties and such counterparts shall collectively constitute authorization by the Rappahannock-Rapidan Community Services Board to apply for and accept loans under this resolution

not exceeding collectively at any one time the principal sum of \$1,000,000 in accordance with the provisions of Section 37.2-504(A)(11) of the 1950 Code of Virginia, as amended.

Duly adopted by a roll call vote this 22nd day of February, 2007.

Eddie Dean, Chairman
MADISON COUNTY BOARD OF SUPERVISORS

	Aye	Nay	Abstain	Absent
Eddie Dean	<u>x</u>	_____	_____	_____
James L. Arrington	<u>x</u>	_____	_____	_____
William L. Crigler	_____	_____	_____	<u>x</u>
Bob Miller	<u>x</u>	_____	_____	_____
Clark Powers	<u>x</u>	_____	_____	_____

ATTEST:

Lisa R. Kelley, County Administrator

Chairman, Eddie Dean stated the next topic of discussion will be the Six Year Road Improvement Plan.

Donald Gore of the Virginia Department of Transportation was present and stated he provided a copy of the Six Year Road Improvement Plan with the Madison County Board of Supervisors to review at the Regular Meeting in February 2007; he stated the priorities will remain the same although there are a few minor changes in funding.

Donald Gore informed the Board there are highlighted items on the first page of the Six Year Road Improvement Plan (third row from the bottom) that denotes the roadways must be designated as "Federal Aid Roads."

Donald Gore also stated of the \$786,545.00 that was allotted during this year, \$386,000.00 will be utilized for unpaved roadways with about \$400,000.00 having been utilized on "Federal Aid Roads." He stated there was funding utilized on improving a bridge in Madison County as these funds had to be "used or lost;" therefore, a new project was added on Route 621 (bottom of 4th page) and is located between Route 29

and Route 231. He stated the remaining funds were utilized on Route 614 – this roadway was changed from a “rural minor collector” roadway to a “rural major collector” roadway – federal aide funding can only be utilized on a “rural major collector” roadway (very few in Madison County).

Donald Gore stated in years past, the Virginia Department of Transportation was given a bit of leeway as to how best to utilize funding and there was general funding for unpaved roadways with no restrictions; however, it has now been decided to get all County roadways paved and eliminate dirt roads.

Donald Gore stated there are now several categories of funding, (i.e. federal, state, unpaved roads) that also contain restrictions; he stated the Governor has denoted that in order to attain all applicable federal funding, there must be state funding for a percentage (i.e. ten, twenty, thirty) as a match which has brought about the current status of fund distribution.

Donald Gore stated the overall crisis in roadway construction has grown about 82.8% over the past 20+ years, with 28% occurring in 2004. He also stated that excavating has increased by about 34.7%, surfacing 41.9% and structural improvements to bridges by about 14.7%.

Donald Gore explained the priority of certain roads listed in the Six Year Improvement Plan and stated it was determined appropriate to reconstruct some roadways; non federal aid funding will now be utilized to perform improvements on Route 642 and feels construction will begin in the fall of 2008.

Donald Gore provided an overview of various roadways listed on the Six Year Road Improvement Plan (i.e. Routes 620, 642, 695, 614, 721, 708, 700, 604) and stated there is just enough funding to perform engineering upgrades – he stated it usually takes between two (2) to four (4) years to attain the right-of-way in order to have utilities relocated; therefore, available funding is normally utilized for engineering upgrades; he stated improvements to Route 662 at Wolfstown are complete with the exception of one (1) right-of-way condemnation that has not yet been settled.

Donald Gore stated some of funding set aside for projects listed on the Six Year Road Improvement Plan has been diverted to other projects and explained the

projects must be paid for by the next budget cycle; additional County-wide projects are noted on the plan (i.e. surveys, sign replacement, etc.).

James L. Arrington asked if funding was included to handle the removal of debris associated with roadway improvements.

Donald Gore stated there is funding included to handle normal maintenance only.

Clark Powers asked if mowing sub-contracting was still being done.

Donald Gore stated a meeting was held this morning to discuss this issue (i.e. bid proposals); however, nothing has been advertised as of this time. He stated within the past two (2) years, the cost of mowing in Madison County was about \$100,000.00 more than the cost to have this work completed in Orange and Culpeper Counties – the service was provided by the Virginia Department of Transportation rather than a sub-contractor in order to save funding (i.e. about \$90,000.00).

Chairman, Eddie Dean verbalized concerns about the federal aide guidelines and feels the current policy will penalize Counties that do not have a large contingent of major roadways – he also asked if there were any localities the County might contact for assistance.

Donald Gore stated he contacted representatives at the central office in Richmond, Virginia, and advised there were two (2) options available to Madison County (i.e. trading with another County); he stated the issue is statewide and suggested a visit be made to the website of other localities to see if there is an interest in negotiating a trade.

Chairman, Eddie Dean stated the County will inquire with VaCO to see if there are localities that might opt to participate in an exchange.

Donald Gore stated a priority list will be needed from the Madison County Board of Supervisors in March 2007.

Chairman, Eddie Dean verbalized concerns of making a priority list when there is not available funding – he also asked for input from the other Board members regarding this issue.

Bob Miller wanted to confirm that an exchange can occur with any locality throughout the State of Virginia – he also wanted to clarify the Virginia

Department of Transportation will provide suggestions only and not act as a ‘liaison’ during this venture, to which Donald Gore concurred.

Clark Powers suggested the Board review the document provided by Donald Gore and make a decision at the March meeting.

Lisa Kelley, County Administrator advised that Donald Gore indicated he might not be able to attend the evening session of the Regular Meeting in March.

Chairman, Eddie Dean suggested this issue be addressed at the Joint Meeting scheduled for Wednesday, March 7, 2007 following the conclusion of Agenda items.

After discussion, on motion of William L. Crigler, seconded by James L. Arrington, the Board decided to make a final decision on the proposed Six Year Road Improvement Plan at the Joint Meeting scheduled for Wednesday, March 7, 2007, at 8:00 p.m. or at the conclusion of all Agenda items, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Absent
Bob Miller	Aye
Clark Powers	Aye

Concerns were raised as to whether the Board needed to re-advertise the Public Hearing for the Six Year Road Improvement Plan.

Lisa Kelley, County Administrator, stated this issue was discussed with V. R. Shackelford, III, County Attorney, and it was determined that decision would need to be made by the Virginia Department of Transportation to re-advertise.

Lisa Kelley, County Administrator, advised that an advertisement has been forwarded to the Madison Eagle indicating the Public Hearing was continued to March 7, 2007 since this item was not discussed at the Regular Meeting held on February 13, 2007.

Nan Coppedge verbalized concerns as to the disbursement of some of the funding (i.e. \$60,000.00).

Donald Gore explained the disbursement procedure and how it applies to the proposed Six Year Road Improvement Plan.

Lisa Kelley, County Administrator stated there are a couple of items that will need to be discussed in closed session (i.e. Capital Projects Coordinator and a written suggestion pertaining to the future of the Criglersville Elementary School); however, these matters can also be discussed during the Regular Meeting scheduled for March 13, 2007.

Chairman, Eddie Dean suggested the aforementioned items be discussed at the end of the Board Workshop Session.

After discussion, on motion of William L. Crigler, seconded by Bob Miller, Chairman, Eddie Dean adjourned the continued meeting from February 13, 2007, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Absent
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Date: February 23, 2007